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BEFORE THE
WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 185

Served August 16, 1962

IN THE MATTER OF:

Application of the Washington,)	Application No. 203
Virginia and Maryland Coach)	
Company, Inc., for a Certificate)	Docket No. 17
of Public Convenience and Necessity)	

APPEARANCES:

Manuel J. Davis, attorney for the applicant.

John R. Sims, Jr., and Harold Smith, attorneys for D. C. Transit System, Inc., protestant.

The Washington, Virginia and Maryland Coach Company, Inc., (hereinafter called W. V. & M., Inc.), filed an application for a certificate of public convenience and necessity to authorize it to operate as a regular route common carrier of passengers, and baggage, newspapers, express and mail in the same vehicle, over the following routes:

(1) Between junction Virginia State Highway 236 and Interstate Highway No. 495, over Interstate Highway No. 495 to its junction with Maryland State Highway No. 190 (River Road), including all interchange points and access and interchange routes. Serving all intermediate points in the Commonwealth of Virginia.

(2) Between junction of George Washington Memorial Parkway and access road to Central Intelligence Agency over the George Washington Memorial Parkway to its junction with Interstate Highway No. 495, including all interchange points and access and interchange routes. Serving all intermediate points in the Commonwealth of Virginia.

The routes sought are set forth in green on Exhibit No. 1.

Notice of the application and hearing was given as required by the Commission's rules and regulations. Hearings on the application were held on June 4 and 20, 1962, before Examiner Russell W. Cunningham. Protest to that

portion of the application which extends into Maryland was timely filed by D. C. Transit System, Inc.

FACTS OF THE CASE

Three witnesses testified on behalf of the applicant; one on behalf of the protestant. W. V. & M. presently operates as a regular route carrier intrastate in Virginia in Fairfax County, the cities of Falls Church and Fairfax and the northern portion of Arlington County. It also operates interstate between these areas and Washington, D. C.

Three recent developments prompted this application. One was the completion of the Central Intelligence Agency Building in the Langley area of Fairfax County a short distance from the Potomac River; the second is the building of Capital Beltway (Interstate Highway No. 495), which is a circumferential highway around the District of Columbia, and it is expected to be open in the very near future. The third is the western extension of the George Washington Memorial Parkway to tie into the Beltway.

Two of the witnesses produced by the applicant were company officers. One (Stokeley) testified that the inclusion of the Beltway and the Parkway extension into its present system would enable it to provide a more efficient service and also extend its service to recent housing and shopping centers. He further testified that a person living in Montgomery County, Maryland, or the outer reaches of Northwest Washington, and working at the CIA Building in Virginia presently must ride a D. C. Transit bus from his home into Washington, transfer to a W. V. & M. bus, and ride it over the Parkway to the CIA; the latter portion of the ride for some passengers is actually in the reverse direction of the first portion of the ride and being on the Virginia side of the river. The witness stated that a faster and more economical service could be provided by the applicant extending its service over the Beltway into Maryland, stopping at the intersection of the Beltway and Maryland Route 190 (River Road). There, he proposed, the applicant and D. C. Transit could work out an interline arrangement, whereby passengers would transfer to D. C. Transit buses for the completion of their journey, or conversely, begin a trip on a D. C. Transit bus from their residences in Montgomery County and outer Northwest Washington and transfer to a W. V. & M. bus at River Road for the balance of the trip, either to the CIA or other places in Virginia. The witness had no actual knowledge of the number of employees living in Maryland and working at the CIA, if any, or if there were, how many would need the service or actually use it.

The second witness (DeStefano) testified as to the company's financial fitness.

The third witness (Doulong) was the only public witness to appear in behalf of the application. He is the transportation officer for the CIA. He testified at length that his superior had surveyed the CIA employees living in Maryland and outer Northwest Washington and that some of these would utilize the proposed Maryland service. However, he said he could not reveal the number of employees in that area or the number that said they would use the proposed service. He also claimed he was prohibited from producing any support data or papers which related to the so-called survey. His entire testimony was objected to and counsel for protestant moved that his testimony be stricken. The Commission appreciates the Agency's need for secrecy, and for this reason will deny the motion to strike, but we can hardly place more than a mere scintilla of weight on such evidence.

One witness (Bell) testified for the protestant. He stated that D. C. Transit operates extensively throughout Montgomery County and the District of Columbia, that it transports a large number of passengers from Montgomery County into downtown Washington, and that in his opinion the granting of the Maryland portion of the application would siphon off its passengers by transporting them into Virginia and then down the Parkway and into Washington.

ISSUES

1. Is all or a portion of the proposed transportation required by the public convenience and necessity?
2. Is the applicant fit and financially able to perform the proposed transportation?

OPINION

The Commission is of the opinion and finds:

(1) That, except for that portion of the application which relates to the Beltway (Interstate No. 495) between its intersection with the Memorial Parkway and its intersection with Maryland Route 190 (River Road), the applicant has presented substantial evidence that the present and future public convenience and necessity require the proposed operation and that an appropriate certificate should be issued.

(2) That the applicant is fit and financially able to perform this transportation.

(3) That, as to that portion of the Beltway (Interstate No. 495) between its intersection with the Memorial Parkway and its intersection with

Maryland Route 190 (River Road), the applicant has failed to sustain its burden proving a need for this service, and the application to that extent should be denied.

DECISION

THEREFORE, IT IS ORDERED:

1. That Certificate of Public Convenience and Necessity No. 4-A be, and it is hereby, granted to the Washington, Virginia and Maryland Coach Company, Inc., to transport passengers for hire as follows:

REGULAR ROUTE COMMON CARRIER OPERATION:

Passengers, and their baggage, and express, mail and newspapers in the same vehicle, in interstate commerce,

(1) Between junction Virginia State Highway 236 and Interstate Highway No. 495, over said Interstate Highway No. 495 to its junction with the George Washington Memorial Parkway, including all interchange points and access in interchange routes, and serving all intermediate points.

(2) Between junction George Washington Memorial Parkway and the access road to the Central Intelligence Agency, over the George Washington Memorial Parkway to its junction with Interstate Highway No. 495, including all interchange points and access and interchange routes, in serving all intermediate points.

2. That in all other respects the application be, and it is hereby, denied.

BY DIRECTION OF THE COMMISSION:



DELMER ISON
Executive Director